

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

|                 |   |  |
|-----------------|---|--|
| BYTEMARK, INC., | § |  |
|                 | § |  |
| Plaintiff,      | § |  |
|                 | § |  |
| vs.             | § | Civil Action No. 6:22-cv-00304-ADA-DTG |
|                 | § |  |
| MASABI LTD.,    | § | JURY TRIAL DEMANDED                    |
|                 | § |  |
| Defendant.      | § |  |

**ORDER GRANTING PLAINTIFF BYTEMARK, INC.’S MOTION TO STRIKE  
DEFENDANT MASABI LTD.’S OPENING CLAIM CONSTRUCTION BRIEF**

On this day came on to be considered Plaintiff Bytemark, Inc.’s Motion to Strike Defendant Masabi Ltd.’s Opening Claim Construction Brief (Dkt. 41) and the Court having now reviewed said Motion finds that it is well taken and should be GRANTED. It is therefore,

ORDERED that Masabi Ltd.’s Opening Claim Construction Brief is hereby STRICKEN to the extent that Masabi Ltd.’ briefing on claim construction is LIMITED to the seven terms and their proposed constructions identified in Masabi’s Required Claim Construction Disclosures and Masabi Ltd. is PRECLUDED from arguing invalidity based on indefiniteness of the claim terms that Masabi, Ltd. introduced for the first time in its Opening Claim Construction Brief and that were never identified in Masabi’s Required Claim Construction Disclosures.

SIGNED this \_\_\_\_\_ day of May, 2024.

\_\_\_\_\_  
DEREK T. GILLILAND  
UNITED STATES MAGISTRATE JUDGE